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1 UNITED STATES DISTRICT COURT  
2 EASTERN DISTRICT OF NEW YORK  
3  
4 SECURITIES AND EXCHANGE )  
COMMISSION, ) 18 Civ. 05459 (JS)(ST)  
5 )  
Plaintiff, )  
6 )  
vs. )  
7 )  
NUTRA PHARMA CORPORATION, )  
8 ERIK DEITSCH a/k/a RIK )  
DEITSCH, and SEAN PETER )  
9 McMANUS, )  
Defendants.)  
10 \_\_\_\_\_)

11  
12  
13  
14 C O N F I D E N T I A L  
15 VIDEO DEPOSITION OF ERIK DEITSCH  
16 VIA VIDEOCONFERENCE  
17 Thursday, July 23, 2020  
18  
19  
20  
21

22 REPORTED BY:  
23 Christina Diaz, CRC, CRR, RMR, CSR, CLR  
24 CSR No. 001046-1  
25 Job No. 200723CDA

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1 in almost 30,000 stores. Cobroxin was in CVS and  
2 Walgreens and Rite Aid and Publix and GNC so the  
3 stock went nuts. And he approached me in like  
4 2009, 2010 to be an investor relations professional  
5 which at the time we weren't looking for. And so  
6 that's when I first really started talking to him.  
7 And then it was years later Sean McManus was  
8 friends with him or knew him. I think they worked  
9 together as brokers at some time in the past but I  
10 don't know for sure. And Sean asked me if I  
11 remembered Chris Castaldo. He said he had met me a  
12 few times. I said yes. And then through Sean we  
13 wound up hiring him as an investor relations firm.

14 Q. Were you the person who made that  
15 decision?

16 A. Yes.

17 Q. And was that in approximately 2013 that  
18 Nutra Pharma first hired Mr. Castaldo's firm?

19 A. That sounds right.

20 Q. Before that, did Mr. Castaldo tell you  
21 anything about himself?

22 A. I knew because my SEC attorney at -- I  
23 had actually asked my SEC attorney about him. He  
24 had looked at the newest newsletter, he had looked  
25 at some stuff and he said that, I think maybe 2009

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1 he had an issue. I don't know if it was acting as  
2 a broker-dealer, something like that, but he had  
3 some black marks on his record.

4 Q. Who was your SEC attorney then?

5 A. Joel Mayersohn, M-A-Y-E-R-S-O-H-N.

6 Q. What do you mean when you say "SEC  
7 attorney"?

8 A. He is an attorney that specializes in  
9 SEC issues, so when we do our filings, our Qs and  
10 Ks we work with him, when we did a reverse split  
11 work with him. Most transactions we run past him  
12 just to make sure that we are not in violation of  
13 any securities laws and we are doing everything  
14 correctly.

15 MR. SCHOEPP: This is Carl. I just  
16 want Mr. Deitsch to be careful not to reveal  
17 any attorney-client communications between  
18 Mr. Mayersohn and him.

19 BY MS. KRISHNAMURTHY:

20 Q. Now you said Mr. Castaldo worked out of  
21 Long Island is it?

22 A. Yes.

23 Q. And did you ever visit his offices?

24 A. I don't think I ever went to his office,  
25 no.

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1           your question.

2                   MS. KRISHNAMURTHY:   Sure.   Sure.   Sure.

3           That's why I wanted to put you on alert.

4 BY MS. KRISHNAMURTHY:

5           Q.       Did the scope of Mr. Mayersohn's  
6 representation in 2015 include any tasks related to  
7 press releases?

8                   MR. SCHOEPPPL:   What's the word you are  
9 saying, I can't understand, tax?

10                  MS. KRISHNAMURTHY:   Tasks, T-A-S-K-S,  
11 tasks.

12                  MR. SCHOEPPPL:   I think that's the  
13 subject matter. I will rephrase your  
14 question. Did the subject matter of his  
15 representation include press releases? I  
16 think if you reframe it like that, Preethi, I  
17 am fine with that question.

18                  MS. KRISHNAMURTHY:   Fair enough.

19 BY MS. KRISHNAMURTHY:

20           Q.       Mr. Deitsch, did the subject matter of  
21 Mr. Mayersohn's representation of Nutra Pharma in  
22 2015 include press releases?

23           A.       Again, it's a strange question. I would  
24 -- part of his cask was I would run certain press  
25 releases by him for his advice. Otherwise, he

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1 never drafted or approved of a press release.

2 Kyle, are you saying something? We can't hear you.

3 MS. KRISHNAMURTHY: We can't hear you.

4 MR. SCHOEPP: Yes, sorry. I had to  
5 double mute. Rik, don't say anything about  
6 what Mr. Mayersohn gave you advice on. Okay?  
7 You said you ran things by him regarding  
8 press releases. You can stop there. That's  
9 as far as I want you to go with that. Okay?

10 THE WITNESS: Understood. Thank you.

11 MS. KRISHNAMURTHY: All right.

12 BY MS. KRISHNAMURTHY:

13 Q. Now, Mr. Deitsch, you had testified  
14 earlier about Mr. Crutchfield?

15 A. Yes.

16 Q. And when was the first time that you  
17 spoke to Mr. Crutchfield?

18 A. Sometime in 2009. I couldn't say the  
19 exact date.

20 Q. Did there come a time when Nutra Pharma  
21 entered into an agreement with Mr. Crutchfield or  
22 his firm?

23 A. Yes.

24 Q. Approximately when was that?

25 A. It would have been late in 2009 or early

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1 That was deposition Exhibit 60.

2 A. Yes.

3 Q. Do you see that?

4 A. Yes.

5 Q. As you sit here today, do you have -- do  
6 you know one way or another, whether you sent a  
7 draft of deposition Exhibit 60 to any members of  
8 Nutra Pharma's board before issuing it?

9 A. I don't know.

10 Q. And I will ask you the same question for  
11 any other press releases that Nutra Pharma issued  
12 in 2015.

13 Do you know sitting here today, whether  
14 you sent any draft of any of those press releases  
15 to any members of Nutra Pharma's board in 2015?

16 A. I don't know.

17 Q. Now, you mentioned -- withdrawn. One  
18 second.

19 Was it Mr. Mayersohn or Mr. Myerson who  
20 was Nutra Pharma's attorney in 2015?

21 A. That's Mayersohn.

22 Q. Okay. Do you know sitting here today,  
23 whether you sent a draft of deposition Exhibit 60  
24 to Mr. Mayersohn before issuing it?

25 A. I don't know.

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1           Q.     And going back to deposition Exhibit 59,  
2 do you know one way or another, whether you sent a  
3 draft of deposition Exhibit 59 to Mr. Mayersohn  
4 before issuing it?

5           A.     I don't know.

6           Q.     Okay. Now, you have deposition Exhibit  
7 59 in front of you, Mr. Deitsch?

8           A.     Yes, I do. Yes, I do.

9           Q.     Okay. And I apologize if I asked you  
10 this before the break. I don't have a transcript  
11 so I will just ask again because I am not sure.

12                     Who drafted Exhibit 59?

13          A.     I did.

14          Q.     And did you post this press release on  
15 Nutra Pharma's website?

16          A.     I had it posted to the website, yes.

17          Q.     And if you take a look at the very first  
18 sentence there in the press release -- I will  
19 highlight it on the screen -- actually, I am sorry  
20 I am going to unhighlight it because it's a little  
21 harder to see.

22                     Do you see the first sentence there on  
23 deposition Exhibit 59, "Nutra Pharma has announced  
24 that they have engaged the Nature's Clinic to begin  
25 the process of distributing Nyloxin in Canada."

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1 a nice elevator speech. You know, in one place it  
2 talks about the company and it's not as boring as a  
3 10-K or a 10-Q. So it was a nice research report  
4 that says this is what we are doing and this is  
5 what we are trying to do. So it's nice to send out  
6 to as many people as possible to review the  
7 company.

8 MS. KRISHNAMURTHY: Okay. Now, could  
9 you please turn, Mr. Deitsch, to deposition  
10 Exhibit 49.

11 (Exhibit 49 was referenced for  
12 identification)

13 THE WITNESS: Yes.

14 BY MS. KRISHNAMURTHY:

15 Q. And is this -- do you recognize Exhibit  
16 49?

17 A. Yes.

18 Q. And what is it?

19 A. It's a press release that SeeThruEquity  
20 put out on July 10, 2015, about their report  
21 initiating coverage.

22 Q. Okay. And again, I don't want to know  
23 about any conversations you had with lawyers.

24 But as you sit here today, do you know  
25 one way or the other, whether you sent a draft of

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1 this report, deposition Exhibit 49, to any lawyer  
2 before it was issued?

3 A. I don't recall.

4 Q. You don't recall doing so?

5 A. I don't recall.

6 Q. So did you post this press release to  
7 Nutra Pharma's website on July 10, be 2015?

8 A. Eventually, it was posted. I don't know  
9 exactly when.

10 Q. And did you direct someone to post it to  
11 Nutra Pharma's website?

12 A. I am sure I did.

13 Q. Okay. And if it wasn't July 10th, was  
14 it shortly after July 10th?

15 A. I don't know because in 2015, we were  
16 going through different web guys and we got behind  
17 on some press releases so at some point we caught  
18 up though. Probably, sometime in the fall we  
19 caught up and put out all the press releases that  
20 we were missing.

21 Q. Okay. And so I just want to make sure.  
22 I want to go back.

23 So we looked at deposition Exhibit 34,  
24 sir, and you told Mr. Castaldo "This should provide  
25 plenty of fodder for investor relations."